

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MARK MONDRAGON, o.b.o. D.M.,  
a minor child,**

**Plaintiffs,**

**vs.**

**Case No. 1:21-cv-00427 KK/JMR**

**RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION and  
GEORGE ARCHULETA, in his individual and official capacity,**

**Defendants.**

**and**

**SARAH MONTOYA, o.b.o L.M.,  
a minor child,**

**Plaintiffs,**

**vs.**

**Case No. 1:21-cv-00648 KK/JMR**

**RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION and  
GEORGE ARCHULETA, in his individual capacity,**

**Defendants.**

**and**

**ANGELA SALAZAR, o.b.o J.M.,  
a minor child,**

**Plaintiffs,**

**vs.**

**Case No. 1:21-cv-00751 KK/JMR**

**RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION, and  
GEORGE ARCHULETA, in his individual capacity, and  
JOHN DOE # 1, in his individual capacity,**

**Defendants.**

**JOINT MOTION TO VACATE TRIAL DATE**

COME NOW Plaintiffs and Defendants in this consolidated action, by and through their undersigned counsel, hereby jointly move to vacate the trial date of February 26, 2024, based upon the following reasons:

1. Defendants filed dispositive motions on September 11, 2023, (Docs. 65, 66 and 67), for which responses are needed by Plaintiffs.

2. Because of the necessity to address the motions on behalf of three Plaintiffs, even though there exists commonality of many facts, responses will also need to be customized to address the facts and arguments addressed against each of the three plaintiffs.

3. Plaintiffs have requested that they have until November 30, 2023, to submit their reply briefs. That request is not opposed by defense counsel.

4. However, after receipt of the responses, Defendants will in turn need to address facts and arguments that may be advanced by Plaintiffs.

5. Among the dispositive motions is a motion filed on behalf of George Archuleta as to the federal claims filed against him based on qualified immunity.

6. There exists a strong likelihood that the non-prevailing party as to the qualified immunity motion may seek immediate appeal to the 10<sup>th</sup> Circuit depending on the decision by the Court. If that occurs, a stay of the proceedings will be requested.

7. Further the dispositive motions filed by Defendants address all claims asserted by Plaintiffs against Defendants, and the Court's decision will determine which claims, if any, survive this motion practice which will enable the parties to make decisions as to how to proceed at that juncture.

8. Granting of this motion to vacate will not prejudice any of the parties.

Respectfully, the partis request the Court vacate the trial now set for February 26, 2024, and to reset it at a later time after the Court determines Defendants' dispositive motions.

Respectfully Submitted,

WALZ AND ASSOCIATES, P.C.

/s/ Jerry A. Walz

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~and~

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20<sup>th</sup> day of October, 2023, I filed the foregoing electronically through the CM/ECF system which caused all parties of record to be served by electronic mail, as more fully reflected in the Notice of Electronic Filing.

/s/ Jerry A. Walz  
Jerry A. Walz, Esq.